

REMARKS

This response addresses the Final Office Action dated, October 28, 2008.

I. Claim Status

Currently, claims 1-17, 25 and 26 are pending. Claims 18-24 have been canceled. Claims 1-17, 25 and 26 are now in condition for allowance, an notification to that effect is respectfully requested. This listing replaces all prior versions, and listings of claims in the application.

II. Interview Summary

The Applicant acknowledges with appreciation the Examiner's telephone communication on February 27, 2009 indicating that all grounds of rejection have been overcome and the claims are now allowable.

III. Claim Rejections

1. 35 U.S.C. § 112, First Paragraph

The Examiner has indicated that in view of the prior response, the rejection of the pending claims under 35 U.S.C. § 112, first paragraph, has been withdrawn.

2. Obviousness-type Double Patenting

The Examiner has rejected claim 26 as being obvious in view of the claims of USPN 6,908,900. Applicant submits that a Terminal Disclaimer was filed on August 15, 2007. The TD applies to the entire application at issue, and therefore, the present rejection is obviated.

Because the reasons above are sufficient to traverse the rejection, Applicants have not explored, nor do they now present, other possible reasons for traversing such rejections. Nonetheless, Applicants expressly reserve the right to do so, if appropriate, in response to any future Office Action.

IV. Supplemental IDS

Applicant presently submits and RCE together with a reference, Bernatowicz et al. (1996) that was cited in association with prosecution of a foreign counterpart to USPN 6,908,900. Applicant does not consider the Bernatowicz reference to be material to the present invention, out of an abundance of caution, the Applicant submits it herewith. Applicant notes that Bernatowicz shows a pseudopeptide conjugated to a cinnamoyl moiety. However, the cinnamoyl moiety is part of the active peptide; i.e., the aryl ring binds and interacts with the receptor. As such, Bernatowicz does not teach cinnamoyl as a “carrier”. As such, Bernatowicz is merely cumulative of art already of record. Notwithstanding the preceding, Bernatowicz also fails to teach or suggest a linker as presently claimed.

CONCLUSION

Applicant honestly believes that all aspects of the present Office Action have been sufficiently addressed and submits that the present application is now in condition for allowance, and notice to that effect is respectfully requested.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned. If the Examiner has any questions in connection with this paper, or otherwise if it would facilitate the examination of this application, please call the undersigned at the telephone number below.

Applicant believes that fees for a one-month extension of time (\$130) and RCE (\$810) for a Large Entity are due in association with entry of the current response. As such, the Commissioner is hereby authorized to charge Deposit Account No. 50-3569 in the amount of \$940.00. However, if any fee has been inadvertently overlooked and is required, Commissioner is hereby authorized to debit any fee due or credit any overpayment to Deposit Account No. 50-3569.

Respectfully submitted,

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